PATENT Attorney Docket No. BERL020/04US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Urry	Examiner: Not Assigned Yet
Continuation of Serial No. 09/258,723	Art Unit: Not Assigned Yet
Parent Filed: February 26, 1999	Preliminary Amendment
For: Injectable Implants For Tissue Augmentation And Restoration	Palo Alto, CA 94306

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

In the captioned case, entry and consideration of the following Preliminary Amendment and remarks are requested prior to examination of the application on the merits.

IN THE SPECIFICATION

Please amend the Specification as follows:

Page 1, after the title, insert the following:

--CROSS-REFERENCE TO RELATED APPLICATIONS

[0000.1] This application is continuation of U.S. Serial No. 09/258,723, filed on February 26, 1999; which claims the benefit of US Provisional Application No. 60/076,297, filed on February 27 1998 and US Provisional Application No. 60/087,155, filed on May 29, 1998--

Pages 10-11, replace Paragraph [00041] with the following:

--[00041] The bioelastomers of the invention can consist of only nonamers (a polynonapeptide), tetramers (a polytetrapeptide), only pentamers (a polypentapeptide) or a mixture of these units, but more typically a mixture of tetrapeptide and pentapeptide units (a copolymer). In addition, the bioelastomer can be a copolymer formed from one of the aforementioned monomeric units and a second peptide unit containing 1-100 amino acids, more typically 1-20 amino acids. On the smaller side, this second peptide can be for example, the fibronectin cell attachment

sequence, GRGDSP (SEQ ID NO:46) or a monomer such as GVGVAP (SEQ ID NO:47) or VGVAPG (SEQ ID NO:52), which is a chemoattractant for fibroblasts and monocytes. On the larger side (90-100 amino acids), the second peptide can be a cell attachment sequence from the Type-III domains of fibronectin, vitronectin, tenascin, titin or other related cell attachment protein, which sequence provides more specific cell attachment than the somewhat non-specific GRGDSP cell attachment sequence.--

IN THE CLAIMS

Claim 13 (Amended).

The method of Claim 4 wherein said second peptide unit comprises a cell attachment sequence from the Type-III domains of fibronectin, vitronectin, tenascin, titin and other related cell attachment proteins.

Claim 34 (Amended).

The method of Claim 23 wherein said tissue site is periurethral, subdermal, tendon or cartilage.

CANCEL Claims 35-75.

REMARKS

The Amendment

Claims 13 and 34 are amended to correct grammatical errors. The amended claims are presented above in a "clean" form, as required under 37 CFR1.121(c)(1)(i). In addition, a marked up version of the claims, showing additions (underlined) and deletions (bracketed) is presented in the attached page pursuant to 37 CFR1.121(c).

The Specification has been amended to recite continuing data information. Support therefor can be found, for example, on the Transmittal filed with the application.

The Specification is amended to correct a typographical error. The amended paragraph is presented above in a "clean" form, as required under 37 CFR1.121(b)(1)(ii). In addition, a marked up version of the replacement paragraph, showing additions (underlined) and deletions (bracketed) is presented in the attached page pursuant to 37 CFR1.121(b).

No new matter has been added.

REMARKS

In view of the above, it is submitted that this application is now ready for allowance. Early notice to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 843-5023.

Respectfully submitted,
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Attachment: Marked Up Version Of The Specification and Claims Under 37 CFR1.121(b) and (c)

MARKED UP VERSION OF THE SPECIFICATION AND CLAIMS

UNDER 37 CFR1.121(b) and (c)

Pages 10-11, Paragraph [00041]:

[00041] The bioelastomers of the invention can consist of only nonamers (a polynonapeptide), tetramers (a polytetrapeptide), only pentamers (a polypentapeptide) or a mixture of these units, but more typically a mixture of tetrapeptide and pentapeptide units (a copolymer). In addition, the bioelastomer can be a copolymer formed from one of the aforementioned monomeric units and a second peptide unit containing 1-100 amino acids, more typically 1-20 amino acids. On the smaller side, this second peptide can be for example, the fibronectin cell attachment sequence, GRGDSP (SEQ ID NO:46) or a monomer such as GVGVAP (SEQ ID NO:47) or VGVAPG (SEQ ID NO:52), which is a chemoattractant for fibroblasts and monocytes. On the larger side (90-100 amino acids), the second peptide can be a cell attachment sequence from the Type-III domains of fibronectin, vitronectin, tenascin, titin [titan] or other related cell attachment protein, which sequence provides more specific cell attachment than the somewhat non-specific GRGDSP cell attachment sequence.

Claim 13 (Amended).

The method of Claim 4 wherein said second peptide unit comprises a cell attachment sequence from the Type-III domains of fibronectin, vitronectin, tenascin, titin [titan] and other related cell attachment proteins.

Claim 34 (Amended).

The method of Claim 23 wherein said tissue site is periurethral, subdermal, tendon or cartilage [cartridge].